

Amendment No. 1 to SB0524

**Ford J
Signature of Sponsor**

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Comm. Amdt. _____

AMEND Senate Bill No. 524*

House Bill No. 650

by deleting all language after the enacting clause and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new appropriately designated section:

68-11-2____. (a) All nursing homes as defined in §68-11-201 shall initiate a criminal background check on any person who is employed by the facility in a position which involves providing direct care to a resident or patient, prior to or within seven (7) days of employment. Any person who applies for employment in a position which involves providing direct care to a resident or patient in such a facility shall consent to:

(1) Provide past work and personal references to be checked by the nursing home; and/or

(2) Agree to the release of any and all information and investigative records to the nursing home or its agent, or to any agency that contracts with the state of Tennessee necessary for the purpose of verifying whether the individual has been convicted of a felony in the state of Tennessee; and/or

(3) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, other law enforcement agency, or any legally authorized entity; and/or

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(4) Release any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry.

(b) Any costs incurred by the Tennessee bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity, in conducting such investigations of such applicants may be paid by the nursing home, or any agency that contracts with the state of Tennessee requesting such investigation and information, or the individual who seeks employment or is employed. Payments of such costs to the Tennessee bureau of investigation are to be made in accordance with the provisions of Tennessee Code Annotated, § 38-6-103. The costs of conducting criminal background checks shall be an allowable cost under the state Medicaid program.

(c) A nursing home which declines to employ or terminates a person based upon information provided to the facility under this act shall be immune from suit by or on behalf of that person for the termination of or the refusal to employ that person.

SECTION 2. This act shall take effect January 1, 2001, the public welfare requiring it.